

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Tyrone Chatman,

Petitioner,

v.

Case No. 1:06cv280

Jeffrey Wolfe,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed September 12, 2007 (Doc. 8).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Petitioner's Petition for writ of habeas corpus is **DENIED** with prejudice consistent with the Magistrate Judge's Report and Recommendation. A certificate of appealability should only issue with respect to the claim alleged in Ground One of Petitioner's petition; Ground Two fails to make a substantial showing of denial of Petitioner's constitutional right and should therefore not issue. An

appeal *in forma pauperis* will only be granted should Petitioner have a showing of financial necessity. This action is closed.

IT IS SO ORDERED.

bac

October 1, 2007

S/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court